

HOUSE BILL NO. 174

INTRODUCED BY K. KERNS

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A BILL FOR AN ACT ENTITLED: "AN ACT REPEALING A STATE LIMITATION ON THE USE OF SOUND REDUCTION DEVICES ON FIREARMS; REPEALING SECTION 87-3-123, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, possession of a sound reduction device on a firearm, referred to in federal law as a "suppressor", by ordinary individuals is lawful under many conditions pursuant to the National Firearms Act of 1934, Public Law No. 474, ch. 757; and

WHEREAS, once a suppressor is lawfully possessed under federal law, there is no federal restriction on whether a suppressor may be possessed in a "field" or "forest" or while hunting; and

WHEREAS, section 87-3-123, MCA, which currently prohibits the possession of a sound reduction device on a firearm in the field or forest or while hunting, is overbroad and criminalizes benign conduct; and

WHEREAS, the Department of Fish, Wildlife, and Parks is not prosecuting cases under section 87-3-123, MCA, when a person used a firearm equipped with a sound reduction device to unlawfully kill a game animal; and

WHEREAS, the repeal of section 87-3-123, MCA, would not inhibit the prosecution of those cases in the future because section 45-8-336, MCA, allows for the felony prosecution of a person who uses a sound reduction device on a firearm to unlawfully kill a game animal.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Repealer.** The following section of the Montana Code Annotated is repealed:

87-3-123. Use of silencers or mufflers on firearms forbidden.

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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